

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

CAITLIN O'CONNOR,)
Plaintiff,) Case No. 3:20-cv-00628
v.) District Judge Richardson
THE LAMPO GROUP, LLC,) Magistrate Judge Frensley
Defendant.) Jury Demand)

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Defendant, The Lampo Group, LLC, by and through the undersigned counsel and pursuant to Rule 56 of the Federal Rules of Civil Procedure, moves the Court to enter summary judgment against all remaining claims in Plaintiff's Third Amended Complaint.

This is an employment case. Defendant is a private, for-profit company that creates and sells biblically based educational resources. Consistent with that mission, Defendant maintains standards for employee conduct at and away from work, including a prohibition against premarital sex.

On February 22, 2016, Defendant hired Plaintiff as an administrative assistant. On June 18, 2020, Plaintiff notified Defendant via e-mail that she was pregnant out of wedlock. On June 25, 2020, Defendant terminated Plaintiff's employment for violating the company's prohibition against premarital sex. Since 2016, all employees of Defendant known to have engaged in premarital sex—nine counting Plaintiff, five men and four women—have either been terminated or resigned in lieu of termination.

Despite the straightforward nature of Plaintiff's termination, on July 20, 2020, she sued Defendant alleging a "kitchen sink" of employment claims. (Doc. #1). Through subsequent

amendments, Plaintiff's Third Amended Complaint accuses Defendant of:

- Count I – Interference and retaliation under the Family and Medical Leave Act, 29 U.S.C. §2601, *et seq.* (“FMLA”);
- Count II – Disparate treatment based on sex/pregnancy and retaliation under the Tennessee Human Rights Act, T.C.A. §4-21-101, *et seq.* (“THRA”);
- Count III – Violation of the Tennessee Maternity Leave Act, T.C.A. §4-21-408 (“TMLA”);
- Count IV – Disparate treatment based on disability and retaliation under the Tennessee Disability Act, T.C.A. §8-50-103, *et seq.* (“TDA”);
- Count V – Disparate treatment/failure to accommodate based on religion and retaliation under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e, *et seq.*, (“Title VII”) and the THRA;
- Count VI – Disparate treatment based on sex/pregnancy and retaliation under Title VII; and
- Count VII – Disparate treatment based on disability and failure to accommodate under the Americans with Disabilities Act, 42. U.S.C. §12101, *et seq.*, (“ADA”).

(Doc. #37).

The Court dismissed Plaintiff's claims in Count V on September 30, 2021 (Doc. #55). As explained in Defendant's contemporaneously filed memorandum of law (Doc. #67), no jury could reasonably hold Defendant liable for any of Plaintiff's remaining claims in Counts I, II, III, IV, VI, or VII. The Court should enter summary judgment against Plaintiff and dismiss her Third Amended Complaint.

Respectfully submitted,

/s/Daniel Crowell

Leslie Sanders (TN #18973)
Daniel Crowell (TN #31485)
WEBB SANDERS PLLC
611 Commerce Street
Suite 3102
Nashville, TN 37203
Telephone: (615) 915-3300
Fax: (866) 277-5494
lsanders@webbsanderslaw.com
dcowell@webbsanderslaw.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that, on November 9, 2021, I filed *Defendant's Motion for Summary Judgment* via the Court's electronic filing system, which will automatically notify and send a copy of that filing to:

Heather Moore Collins
Anne Bennett Hunter
Ashley Shoemaker Walter
Collins & Hunter PLLC

Attorneys for Plaintiff

/s/Daniel Crowell

Daniel Crowell (TN #31485)
Attorney for Defendant